

**Effective 5/10/2016**

**10-9a-503 Land use ordinance or zoning map amendments -- Historic district or area.**

- (1) The legislative body may amend:
  - (a) the number, shape, boundaries, or area of any zoning district;
  - (b) any regulation of or within the zoning district; or
  - (c) any other provision of a land use ordinance.
- (2) The legislative body may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.
- (3) The legislative body shall comply with the procedure specified in Section 10-9a-502 in preparing and adopting an amendment to a land use ordinance or a zoning map.
- (4)
  - (a) As used in this Subsection (4):
    - (i) "Condominium project" means the same as that term is defined in Section 57-8-3.
    - (ii) "Local historic district or area" means a geographically or thematically definable area that contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body.
    - (iii) "Unit" means the same as that term is defined in Section 57-8-3.
  - (b) If a municipality provides a process by which one or more residents of the municipality may initiate the creation of a local historic district or area, the process shall require that:
    - (i) more than 33% of the property owners within the boundaries of the proposed local historic district or area agree in writing to the creation of the proposed local historic district or area;
    - (ii) before any property owner agrees to the creation of a proposed local historic district or area under Subsection (4)(b)(i), the municipality prepare and distribute, to each property owner within the boundaries of the proposed local historic district or area, a neutral information pamphlet that:
      - (A) describes the process to create a local historic district or area; and
      - (B) lists the pros and cons of a local historic district or area;
    - (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i), for each parcel or, if the parcel contains a condominium project, each unit, within the boundaries of the proposed local historic district or area, the municipality provide:
      - (A) a second copy of the neutral information pamphlet described in Subsection (4)(b)(ii); and
      - (B) one public support ballot that, subject to Subsection (4)(c), allows the owner or owners of record to vote in favor of or against the creation of the proposed local historic district or area;
    - (iv) in a vote described in Subsection (4)(b)(iii)(B), the returned public support ballots that reflect a vote in favor of the creation of the proposed local historic district or area:
      - (A) equal at least two-thirds of the returned public support ballots; and
      - (B) represent more than 50% of the parcels and units within the proposed local historic district or area;
    - (v) if a local historic district or area proposal fails in a vote described in Subsection (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic district or area with an affirmative vote of two-thirds of the members of the legislative body; and
    - (vi) if a local historic district or area proposal fails in a vote described in Subsection (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a resident may not initiate the creation of a local historic district or area that includes more than 50% of

the same property as the failed local historic district or area proposal for four years after the day on which the public support ballots for the vote are due.

(c) In a vote described in Subsection (4)(b)(iii)(B):

- (i) a property owner is eligible to vote regardless of whether the property owner is an individual, a private entity, or a public entity;
  - (ii) the municipality shall count no more than one public support ballot for:
    - (A) each parcel within the boundaries of the proposed local historic district or area; or
    - (B) if the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and
  - (iii) if a parcel or unit has more than one owner of record, the municipality shall count a public support ballot for the parcel or unit only if the public support ballot reflects the vote of the property owners who own at least a 50% interest in the parcel or unit.
- (d) The requirements described in Subsection (4)(b)(iv) apply to the creation of a local historic district or area that is:
- (i) initiated in accordance with a municipal process described in Subsection (4)(b); and
  - (ii) not complete on or before January 1, 2016.
- (e) A vote described in Subsection (4)(b)(iii)(B) is not subject to Title 20A, Election Code.

Amended by Chapter 404, 2016 General Session